IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

OP.No. 1403 of 1998(P)

PETITIONER:

COCHIN DEVASWOM BOARD TEMPLE EMPLOYEES UNION (INTUC)
THIRUVANCHIKULAM UNION REPRESENTED BY ITS PRESIDENT
T. RAMACHANDRA MARAR, THACHIL MARATH HOUSE,
CHANDRAPPINI, THRISSUR DT.
`
BY ADV. SRI.M.P.ASHOK KUMAR
SRI.SAJAN SREERAJ

RESPONDENTS:
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1. COCHIN DEVASWOM BOARD, THRISSUR, REP. BY ITS SECRETARY.

2. MR. SOMAN KURUVATH, PRESIDENT, DO. DO.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.K.SETHUNATH
SRI.M.RAMESH CHANDER,SC CDB.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/10/2006, THE COURT ON 04/12/2006 DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF THE PROCEEDINGS OF THE FIRST RESPONDENT DATED 26.6.97

EXT.P2-TRUE COPY OF DO DATED 7.1.98

RESPONDENTS' EXTS:

EXT.R1-A TRUE COPY OF RESOLUTION DATED 2.1.98

// TRUE COPY //

M. RAMACHANDRAN & A.K. BASHEER, JJ.

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O.P.NO.1403 OF 1998-P

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DATED THIS THE 4TH DAY OF DECEMBER, 2006.

JUDGMENT

Ramachandran, J.

By Ext.P1 proceedings dated 26.6.1997, the Board had directed the Special Devaswom Board Commissioner to take steps for grant of promotions to the category of persons above U.D. Clerks only for those who had put in three years service as Assistants or Devaswom Officers. It had been pointed out that this was in view of the report of the High Power Commission.

2. By Ext.P2 proceedings dated 7.1.1998 this provision was directed to be discontinued. The Association representing Devaswom Board employees had filed this original petition, pointing out that such proceedings was without jurisdiction and went against the report of the High Power Commission.

3. A counter affidavit had been filed by the Devaswom Board inter-alia contending that such a condition was not contemplated in the report of the High Power Commission. Therefore the basic premises on which the original petition was filed was not sustainable and the original petition was misconceived, it is contended.

4. We find that there is no reply affidavit filed. It is also well settled that in matters of service conditions, a union may not be justified in filing writ petition under Article 226 of the Constitution of India since, such an association

might not be competent for invoking the jurisdiction. Further, we notice that no interlocutory orders had been passed and the Board should be presumed as carrying on the administration as per modified regulations, as could be seen from Ext.P2.

In the above facts and circumstances, the original petition fails. It is accordingly dismissed.

(M.Ramachandran, Judge.)

(A.K. Basheer, Judge.)

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M. Ramachandran &

A.K. Basheer, JJ.

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O.P.No.1403 of 1998-P

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JUDGMENT

4Th December, 2006.